

IN RE: PETITION FOR ZONING VARIANCE  
S/R Kitzbuhel Road, 1460 ft.  
W of c/1 Bee Tree Road  
13 Kitzbuhel Road  
7th Election District  
3rd Councilmanic District  
J.C. Sevier and Wendy Sevier  
Petitioners

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 92-348-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Residential Variance filed by J.C. Sevier and his wife for that property known as 13 Kitzbuhel Road in the Parkton area of Baltimore County. The Petitioners seek relief from the strict standard of Section 1A04.3.B.3 (1A00.3.B.3., R.D.P., 1970) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 30 ft. side yard setback in lieu of the required 50 ft., as more particularly shown on Petitioners' Exhibit No. 1.

Specifically, the Petitioners propose to construct a garage which, when completed, will be located 30 ft. from the side property line.

The matter was originally filed as a Petition for Residential Variance, which does not mandate a public hearing. However, subsequent to the filing, several requests for hearing were received by neighbors of the subject property. Although several of these requests were subsequently withdrawn, a request remained from Mr. and Mrs. Anderson at 9 Kitzbuhel Road. Thus a public hearing was scheduled and conducted.

At the hearing, Mr. and Mrs. Sevier appeared and testified. Although registering their opposition by letter, Mr. and Mrs. Anderson did not appear. There were no other individuals present.

Testimony and evidence presented at the hearing disclosed that the subject lot is 1.917 acres in area and is improved by an existing one story

dwelling. It is located in the rural Parkton area of Baltimore County. The Petitioners propose to construct a 26 ft. x 24 ft. garage to be attached to the side of the main house. As indicated above, the side of the garage will be located approximately 30 ft. from the side yard property line. Mr. and Mrs. Sevier testified that the garage was needed to accommodate storage. They also testified that the garage could not be located elsewhere on the property, in view of the configuration of the lot, architectural scheme of the house, and existing driveway.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 107 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 26th day of June, 1992 that the Petition for a Zoning Variance from Section 1A04.3.B.3 (1A00.3.B.3., R.D.P., 1970) of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a 30 ft. side yard setback, in lieu of the required 50 ft., in accordance with Petitioners' Exhibit No. 1, be and is hereby GRANTED, subject, however, to the follow-

ing restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioners shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

*Lawrence E. Schmidt*  
LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES/mm

ORDER RECEIVED FOR FILING  
Date 26 June 1992  
By [Signature]

Baltimore County Zoning Commission  
Office of Planning and Zoning

Suite 111, Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

June 26, 1992

Mr. and Mrs. J.C. Sevier  
13 Kitzbuhel Road  
Parkton, Maryland 21120

RE: Case No. 92-348-A  
Petition for Zoning Variance

Dear Mr. and Mrs. Sevier:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-4391.

Very truly yours,

*Lawrence E. Schmidt*  
Lawrence E. Schmidt  
Zoning Commissioner

LES:mm  
att.

## PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

92-348-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason (indicate hardship or practical difficulty):

An attached garage to any other side of the existing house would not be practical due to grade differences and other set back regulations.

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Attorney's telephone number

Legal Owner(s):

J. C. Sevier

(Type or Print Name)

Signature

Wendy Sevier

(Type or Print Name)

Signature

13 Kitzbuhel Rd. (410) 357-4943

Address

Parkton, MD 21120

City/State/Zip Code

Name, address and phone number of legal owner, contract purchaser or representative to be contacted.

J. C. &/or Wendy Sevier

Name

13 Kitzbuhel Rd. (410) 357-4943

Address

ORDERED by the Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, that the subject matter of this petition be posted on the property on or before the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 109, County Office Building in Towson, Baltimore County, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock, \_\_\_\_\_.

ZONING COMMISSIONER OF BALTIMORE COUNTY

## AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

92-348-A

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently or upon settlement will reside at 13 Kitzbuhel Rd.  
Parkton, MD. 21120  
(Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty)

An attached garage to any other side of the existing house would not be practical due to grade differences and other set back regulations.

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

*John C. Sevier*  
AFFIANT (Handwritten Signature)

J.C. Sevier

AFFIANT (Printed Name)

*Wendy B. Sevier*  
AFFIANT (Handwritten Signature)

Wendy Sevier

AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 6 day of March, 1992, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

John C. Sevier and Wendy B. Sevier

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in the form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

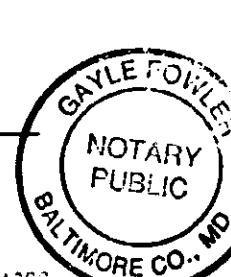
3692

DATE

NOTARY PUBLIC

My Commission Expires:

MY COMMISSION EXPIRES AUGUST 1, 1995



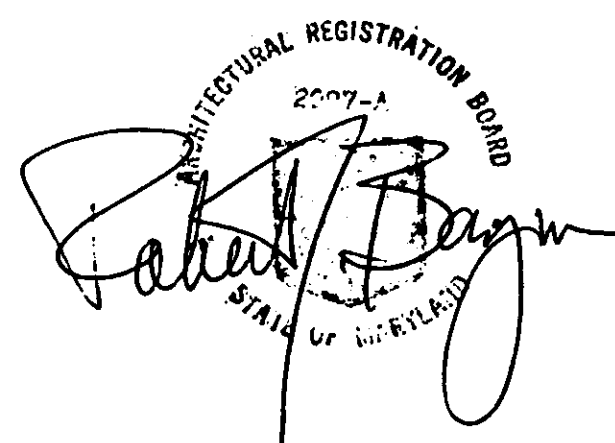
## ZONING DESCRIPTION

92-348-A

Beginning at a point on the South side of Kitzbuhel Road which is fifty feet (50 ft.) wide at a distance of fourteen hundred and sixty feet (1460 ft.) west of the centerline of Bee Tree Road which is fifty feet (50 ft.) wide. Being Lot #42, section 3 in the subdivision of "Chalet De La Rance" as recorded in Baltimore County Plat book E.H.K., JR. 38, Folio 127 containing 1.917 AC. Also known as #13 Kitzbuhel Road and located in the 7th election district.

Typical Metes and Bounds:

LCB, S 71° -59' -05" W, 158.00 ft.  
S 11° -33' -15" E, 471.03 ft.  
N 58° -56' -10" E, 232.20 ft. and  
S 20° -10' -33" E, 409.98 ft.  
to the place of beginning.



## CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

92-348-A

District: 7 Date of Posting: 4/26/92

Posted for: Variance

Petitioner: J.C. & Wendy Sevier

Location of property: 13 Kitzbuhel Rd. Parkton, MD 21120

Location of Sign: on front of 13 Kitzbuhel Rd.

Remarks: \_\_\_\_\_

Posted by: [Signature] Date of return: 5/12/92

Number of Signs: 1

## CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

92-348-A

District: 7 Date of Posting: 4/26/92

Posted for: Variance

Petitioner: J.C. & Wendy Sevier

Location of property: 13 Kitzbuhel Rd. Parkton, MD 21120

Location of Sign: on front of 13 Kitzbuhel Rd.

Remarks: VIOLATION SEC 415A B.V. (Post to lot front)

Posted by: [Signature] Date of return: 5/12/92

Number of Signs: 1

#369

# CERTIFICATE OF PUBLICATION

TOWSON, MD. 5/14, 1992

THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 5/14, 1992.

THE JEFFERSONIAN,

J. Lake O'Connell  
Publisher

\$ 39.76

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Account: R-001-6150  
Number

3/16/92 HY200363  
PUBLIC HEARING FEES QTY PRICE  
010 - HUNTING VARIANCE CASE 1 \$35.00  
080 - POSTING SIGNS / ADVERTISING 1 \$25.00  
DIAL: \$60.00  
LAST NAME OF OWNER: SEVIER

040040051N1CHRC \$60.00  
BA C003:55P03-14-92  
Please Make Checks Payable To Baltimore County

92-348-A

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Account: R-001-6150  
Number

5/09/92 HY200603  
PUBLIC HEARING FEES QTY PRICE  
080 - POSTING SIGNS / ADVERTISING 1 X \$74.76  
TOTAL: \$74.76  
LAST NAME OF OWNER: SEVIER

0400400167N1CHRC \$74.76  
BA C012:46P06-09-92  
Please Make Checks Payable To Baltimore County

92-348

receipt

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

DATE: 5-27-92

J. C. and Wendy Sevier  
13 Kittubel Road  
Parkton, Maryland 21120

RE:  
CASE NUMBER: 92-348-A  
S/S Kittubel Road, 1460' W of c/l Bee Tree Road  
13 Kittubel Road  
7th Election District - 3rd Councilmanic  
Petitioner(s): J. C. and Wendy Sevier

Dear Petitioner(s):

Please be advised that \$ 74.76 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

ARNOLD JABLON  
DIRECTOR

Carl Jablon

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

MAY 6, 1992

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

CASE NUMBER: 92-348-A  
S/S Kittubel Road, 1460' W of c/l Bee Tree Road  
13 Kittubel Road  
7th Election District - 3rd Councilmanic  
Petitioner(s): J. C. and Wendy Sevier  
HEARING: TUESDAY, JUNE 9, 1992 at 11:00 a.m.

Variance to permit a 30 ft. lot line setback in lieu of 50 ft.

Laurence E. Schmidt  
Zoning Commissioner of  
Baltimore County

cc: J. C. and Wendy Sevier  
Mr. & Mrs. Anderson  
John Brachman

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

May 27, 1992

Mr. & Mrs. J. C. Sevier  
13 Kittubel Road  
Parkton, MD 21120

RE: Item No. 363, Case No. 92-348-A  
Petitioner: J. C. Sevier, et ux  
Petition for Residential Variance

Dear Mr. & Mrs. Sevier:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this 17th day of March, 1992.

Arnold Jablon  
DIRECTOR

Received By:  
W. Carl Richards Jr.  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: J. C. Sevier, et ux  
Petitioner's Attorney:

## BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: April 3, 1992  
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting  
for March 30, 1992

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 363, 366, 367, 368, 369, 370, 371, 372, 374, 376, 377, 378, 379, 380, 381 and 382.

For Item 382, the parking space that is shown in the Grendon Avenue widening should not be counted in the variance request.

For Items 373 and 375, we think that these sites are subject to Division II of the Development Regulations.

Robert W. Bowling  
ROBERT W. BOWLING, P.E. Chief  
Developers Engineering Division

ENB:DAK:s

## BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: April 9, 1992  
Zoning Administration and Development Management

FROM: Ervin McDaniel, Chief  
Office of Planning and Zoning  
Development Review Section

SUBJECT: Petitions from the Zoning Advisory Committee  
Dated March 30, 1992

The Office of Planning has no comment on the following petitions.

J.C. Sevier and Wendy Sevier, Item No. 363  
Allina Moore and Adolfini Arias, Item No. 366  
Orville Jones, Item No. 367  
Orville Jones, Item No. 368  
Charles E. Wallis and Vickie J. Wallis, Item No. 370  
Yvonne E. Rums, Item No. 371  
James J. Casserly, Jr., Item No. 373  
George Anagnostou and Nikki Anagnostou, Item No. 374  
Frank W. Carman, Item No. 381  
Arthur Smith and Arlene Smith, Item 382

If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning at 887-3211.

EN/M:rdn  
363.ZAC/EAC1

RECEIVED  
APR 10 1992  
ZONING OFFICE

4646-92

BUREAU OF TRAFFIC ENGINEERING  
DEPARTMENT OF PUBLIC WORKS  
BALTIMORE COUNTY, MARYLAND

DATE: April 1, 1992

TO: Mr. Arnold Jablon, Director  
Office of Zoning Administration  
and Development Management

FROM: Rahoe J. Famili  
SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: March 30, 1992

This office has no comments for item numbers 363, 366, 367, 368, 369, 370, 371, 372, 374, 375, 377, 378, 379, 380, 381 and 382.

*Rahoe J. Famili*  
Rahoe J. Famili  
Traffic Engineer II

RJF/lvd

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

April 15, 1992

TO: Arnold Jablon, Director  
Zoning Administration and Development Management  
FROM: DIVISION OF GROUND WATER MANAGEMENT  
SUBJECT: Zoning Comments

The agenda for the zoning advisory committee meeting of March 30, 1992 has been reviewed by the Department of the Environmental Protection and Resource Management staff.

There is no comment for the following item numbers:

362  
363  
366  
367  
368  
369  
376  
378  
379  
380  
381

SSF:rmp

NO\_CMNT/GWRMP

RECEIVED  
APR 21 1992  
ZONING OFFICE

Baltimore County Government  
Fire Department

700 East Joppa Road, Suite 901  
Towson, MD 21204-5500

(301) 887-4500

APRIL 2, 1992

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: J.C. SEVIER AND WENDY SEVIER

Location: #13 KITZBUHEL

Item No.: \*363(MJK) Zoning Agenda: MARCH 30, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *John L. Sevier* Noted and Approved  
Planning Group Fire Prevention Bureau  
Special Inspection Division

JP/KEK

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

March 27, 1992

(410) 887-3353

J. C. and Wendy Sevier  
13 Kitzbuhel Road  
Parkton, Maryland 21120

Re: CASE NUMBER: 92-348-A  
LOCATION: 5/6 Kitzbuhel Road, 1400' W of c/l Bee Tree Road  
13 Kitzbuhel Road  
7th Election District - 3rd Councilmanic

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a reaffirmation regarding the administrative process.

1) Your property will be posted on or before April 5, 1992. The closing date is April 20, 1992. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reported and notice of the hearing will appear in two local newspapers. Charges related to the reporting and advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

*Lawrence E. Schmidt*  
Lawrence E. Schmidt  
Zoning Commissioner, Baltimore County

Printed on Recycled Paper

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

Suite 113 Courthouse  
401 Washington Avenue  
Towson, MD 21204

May 18, 1992

(410) 887-4386

Mr. and Mrs. John C. Sevier  
13 Kitzbuhel Road  
Parkton, Maryland 21120

RE: Case No. 92-348-A  
Petition for Residential Variance  
13 Kitzbuhel Road

Dear Mr. and Mrs. Sevier:

This is to acknowledge receipt of your letter dated May 5, 1992 regarding the above referenced property. I have entered your letter into the file, along with the numerous letters in support of the proposed variance which were attached therewith. All of these letters will be considered by me in my determination as to whether the variance should be granted. Unfortunately, however, please be advised that it remains necessary that a public hearing for the variance be held.

Traditionally, all variances in Baltimore County were granted only after a public hearing. However, in 1990, the County Council passed a "fast track" procedure to eliminate zoning hearings in certain cases. This procedure, which is set forth in Section 26-127 of the Baltimore County Code, provides that for owner occupied residential lots, variances may be granted without a public hearing. In those circumstances, the property owner need only submit the Petition, with the required Affidavit, and post a sign on the property 15 days prior to the filing of the Petition. If there is no request for a hearing during that time, the Zoning Commissioner may rule on the Petition based upon the evidence presented.

Further, the section provides that any occupant or owner within 1,000 ft. of the subject property may file a formal request for a public hearing with the Zoning Commissioner and, if same is so filed, a hearing shall be scheduled. Therefore, under the law, since a request has been filed for a hearing by Mr. and Mrs. Anderson, I am required to conduct such a public hearing. This hearing will be scheduled on June 9, 1992 and a decision will be rendered promptly. However, if you have any questions in the interim, please do not hesitate to contact me.

Very truly yours,  
*Lawrence E. Schmidt*  
Lawrence E. Schmidt  
Zoning Commissioner

LES:mmm

MR. & MRS. JOHN C. SEVIER  
13 KITZBUHEL ROAD  
PARKTON, MD 21120  
410-887-4386

MAY 3, 1992

MR. LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER  
BALTIMORE COUNTY  
SUITE 113, COURTHOUSE  
400 WASHINGTON AVENUE  
TOWSON, MD 21204

DEAR MR. SCHMIDT:

PLEASE FIND ATTACHED A LETTER FROM MR. JOHN BENSCHEN, OF 23 KITZBUHEL ROAD, RETRACTING HIS PROTEST OF OUR VARIANCE REQUEST - CASE NUMBER 92-348-A. THE PROTEST WAS BASED ON INCOMPLETE INFORMATION IN THE SIGN POSTED BY THE ZONING OFFICE. THE SIGN DID NOT INDICATE THAT THE VARIANCE WAS BEING REQUESTED FOR A SIDE PROPERTY LINE SET BACK, AND IT WAS INTERPRETED TO MEAN A FRONT PROPERTY LINE SET BACK.

ALSO PLEASE FIND ENCLOSED LETTERS FROM MOST OF THE OTHER NEIGHBORS ON THE STREET INDICATING THAT THEY HAVE NO PROBLEMS WITH OUR REQUEST FOR A VARIANCE TO BUILD OUR GARAGE. THE ONLY MEMBERS OF THE NEIGHBORHOOD WHO HAVE NOT WRITTEN A LETTER ARE THE ANDERSONS AT # 9 KITZBUHEL ROAD, WHO HAVE ALSO ENTERED A PROTEST OF THIS VARIANCE. THE COUPLE LIVES OF # 7 KITZBUHEL ROAD, WHO WILL BE OUT OF THE COUNTRY UNTIL MAY 10, BUT WHO HAVE SAID THAT THEY HAVE NO PROBLEM WITH A SIDE PROPERTY LINE SET BACK OF 40 FEET, AND THE RESIDENTS OF #2 AND #24 KITZBUHEL, WHO BOTH SAID THAT THEY WERE NOT OPPOSED TO THE VARIANCE, BUT WHOM I WAS UNABLE TO GET BACK IN TOUCH WITH TO GET A LETTER.

THE REASON FOR THESE LETTERS IS TO INDICATE TO YOU THAT THERE IS NOT A CONCERN AMONG "MANY" OF THE NEIGHBORS HERE AS WAS INDICATED IN THE LETTER BY THE ANDERSONS. BUT RATHER THAT THERE IS A PERSONAL GRUDGE HELD BY THE ANDERSONS TOWARDS US RELATING TO A DISAGREEMENT SEVERAL YEARS AGO.

IN LIGHT OF THE RETRACTED PROTEST OF MR. BENSCHEN'S AND THE LETTERS OF SUPPORT FROM THE OTHER NEIGHBORS, WE WOULD BE EXTREMELY GRATEFUL IF YOU COULD RECONSIDER YOUR DECISION TO SEND THIS VARIANCE REQUEST TO HEARING, AND GRANT OUR PETITION FOR ADMINISTRATIVE ZONING VARIANCE.

IF YOU HAVE ANY CONCERNS OR QUESTIONS, PLEASE FEEL FREE TO CONTACT US.

SINCERELY

*John C. Sevier*  
*Wendy B. Sevier*

JOHN C. SEVIER  
WENDY B. SEVIER

APRIL 17, 1992

LAWRENCE SCHMIDT  
ZONING COMMISSIONER  
ROOM 113  
BALTIMORE COUNTY COURTHOUSE  
400 WASHINGTON AVE  
TOWSON, MD 21204

DEAR SIR:

WE ARE WRITING TO VOICE OUR COMPLAINT IN REGARD TO CASE # 92-348A. WE ARE OPPOSED TO A GARAGE BEING BUILT ON THE LEFT SIDE OF THE HOUSE SINCE IT WOULD CREATE A DISTANCE OF 80 FEET BETWEEN #11A AND #9. ALL OTHER HOUSES ON KITZBUHEL RD ARE ROUGHLY 200 FEET APART (INCLUDING GARAGES). IN ADDITION THIS IS IN VIOLATION OF ZONING RESTRICTIONS AND OUR LAND RESTRICTIONS.

WE WOULD LIKE THE SEVIERS TO CONSIDER A GARAGE ON THE OTHER SIDE OF THE HOUSE WHERE THEY MIGHT NOT NEED A VARIANCE AND WHERE THE HOUSE NEXT DOOR IS FURTHER AWAY AND SET BACK ON THE LAND.

WE WONDER WHY THE SEVIERS DID NOT CONSIDER THIS PROBLEM WHEN THEY PLACED THE HOUSE ON THE LOT. THEY ARE THE ORIGINAL OWNERS AND BUILDERS OF THE HOUSE. IN ADDITION, THEY WERE OFFERED A SITUATION SEVERAL YEARS AGO THAT WOULD HAVE SOLVED THIS DILEMMA AND THEY REFUSED IT. HOUSE 11A DID NOT EXIST AT THAT TIME. THE LOT ON WHICH IT SITS WHICH IS NEXT TO THE SEVIERS WAS A WOODED LOT ATTACHED TO A LOWER PIECE OF LAND AND USED AS ACCESS BY WAY OF A DRIVEWAY THROUGH THE LOT. THE LOT BOUNDARY LINES WERE VERY POORLY DRAWN SO THAT THE SEVIERS OWNED A PIECE OF LAND BELOW THEIR OTHER LAND THAT VIRTUALLY WAS IN THE FRONT YARD OF WHAT IS #11 KITZBUHEL. THEY WERE OFFERED A TRADE BETWEEN THIS LAND AND FRONTAGE OF THE UPPER LOT. THEY REFUSED THIS TRADE. WE KNOW THIS FOR A FACT SINCE WE WERE INVOLVED IN CONVERSATIONS WITH BOTH THE SEVIERS AND #11 OWNERS, THE STRATTONS. WE DESPERATELY TRIED TO HELP THE SEVIERS SEE THE ADVANTAGE FOR THEMSELVES IN THE TRADE. THEY WOULD NOT EVEN CONSIDER IT. HAD THEY TAKEN THE TRADE, THEY WOULD HAVE HAD PLENTY OF LAND IN FRONT TO NOT EVEN NEED A VARIANCE.

WE ALSO WONDER WHY THE SEVIERS HAVE GONE AHEAD AND PAVED A DRIVEWAY BEFORE GETTING A VARIANCE. WE CERTAINLY SEE THEIR NEED FOR A GARAGE BUT IT IS UNACCEPTABLE TO US THAT THEY CHANGE THE CHARACTER OF THE NEIGHBORHOOD IN THEIR DECISIONS. WE UNDERSTAND THAT MANY OTHER NEIGHBORS HAVE THE SAME CONCERN AND OTHER LETTERS ARE BEING WRITTEN. WE WOULD LIKE THE SEVIERS TO CONSIDER THEIR GARAGE ON THE OTHER SIDE OF THE HOUSE.

THANK YOU

*Deborah Anderson*  
*Raj Anderson*

THE ANDERSONS  
9 KITZBUHEL RD  
PARKTON MD 21120

329-6028

GMB  
GEORGE MILES & BUHR

WILLIAM B. MILES, JR., PE  
JOHN L. GRAMMAS, JR., PE  
JAMES E. THOMAS, JR., PE  
PETER E. BUCK, JR., PE  
PATRICIA E. DEWOLFE, JR., PE  
BRUCE B. BURNS, PE  
ADRIAN A. SCHWARTZ, PE  
MICHAEL D. MANTHUR, JR., PE  
C. RICHARD ROHM

To: BALTIMORE County  
P47/CEG

From: Bruce & Lois Burns  
12 Kitzbuhel Rd.  
Parkton, Md. 21120

Re: J.C. & Wendy Sevier  
13 Kitzbuhel Rd.  
Request for Variance -  
Attached Garage (30' side Yard)

My wife and I have lived here for ten (10) years and we have no objections to the request by Mr. & Mrs. Sevier for a variance. It is our understanding that they intend to add a garage to their house. Again, we have no objections to their request and we would strongly urge that the County grant their request for a variance.

Sincerely,  
*Bruce B. Burns*  
Bruce B. Burns, PE  
Partner

ARCHITECTS & ENGINEERS  
SALISBURY • BALTIMORE • LEWES  
72 LOVETON CIRCLE, SUITE 102  
SPARKS, MARYLAND 21152  
410-472-3210 FAX 410-472-3718

Lois B. Burns  
Lois B. Burns

Planning Commission  
Baltimore County  
Baltimore, Maryland

Dear Sirs:  
I have no problem with John and Wendy Sevier's request for permission to build a garage on their property at 13 Kitzbuhel Rd., Parkton, MD 21120, and see no reason that this request should not be granted.

Yours truly,  
Mary J. Chelmsford  
Baltimore County Board

Lutz  
19 Kitzbuhel Rd  
Parkton, MD  
21120  
5-3-92

To: Zoning Commissioner  
Baltimore County

This letter is to indicate that we have no problems or concerns with the variance requested by the Sevier's at 13 Kitzbuhel Rd.

Sincerely,  
[Signature]

To whom it may concern

It has recently come to our attention that the Sevier's have recently applied for a permit allowing them to connect their garage to their home.

It has also been brought to our attention that this permit is being opposed by one or more neighbors.

Being residents of Kitzbuhel Rd we would like it known that we have no objection to the said permit being issued.

Respectfully,  
Barry Barber  
Barry Barber  
M. Dana Barber  
M. Dana Barber  
10 Kitzbuhel Rd  
Parkton MD 21120

To whom it may concern,

This is to state that we are in support of the proposed garage addition by John C. and Wendy B. Sevier. We are also not opposed to the variance request.

Thomas R. Byrd  
Sevier's Rd  
13 Kitzbuhel Rd  
Parkton, Md  
21120

To whom it may concern

I live at 21 Kitzbuhel. I have no objection to the Sevier's building an attached garage to their home. I would expect it to improve the appearance of our neighborhood.

Sincerely,  
W. Paul Testmeier

W. PAUL TESTMEIER  
21 KITZBUHEL RD  
PARKTON, MD 21120

To whom it may concern,

My husband and I have no objection to the Sevier's building an attached garage to their home. We feel it will enhance their home plus it will increase the value of their property which is good for our entire neighborhood.

Thank you,  
Marie & Robert Sevier  
3 Kitzbuhel Road

Attention Zoning Board

After fully understanding the Sevier's building plans, we wish to withdraw our objection to the garage construction.

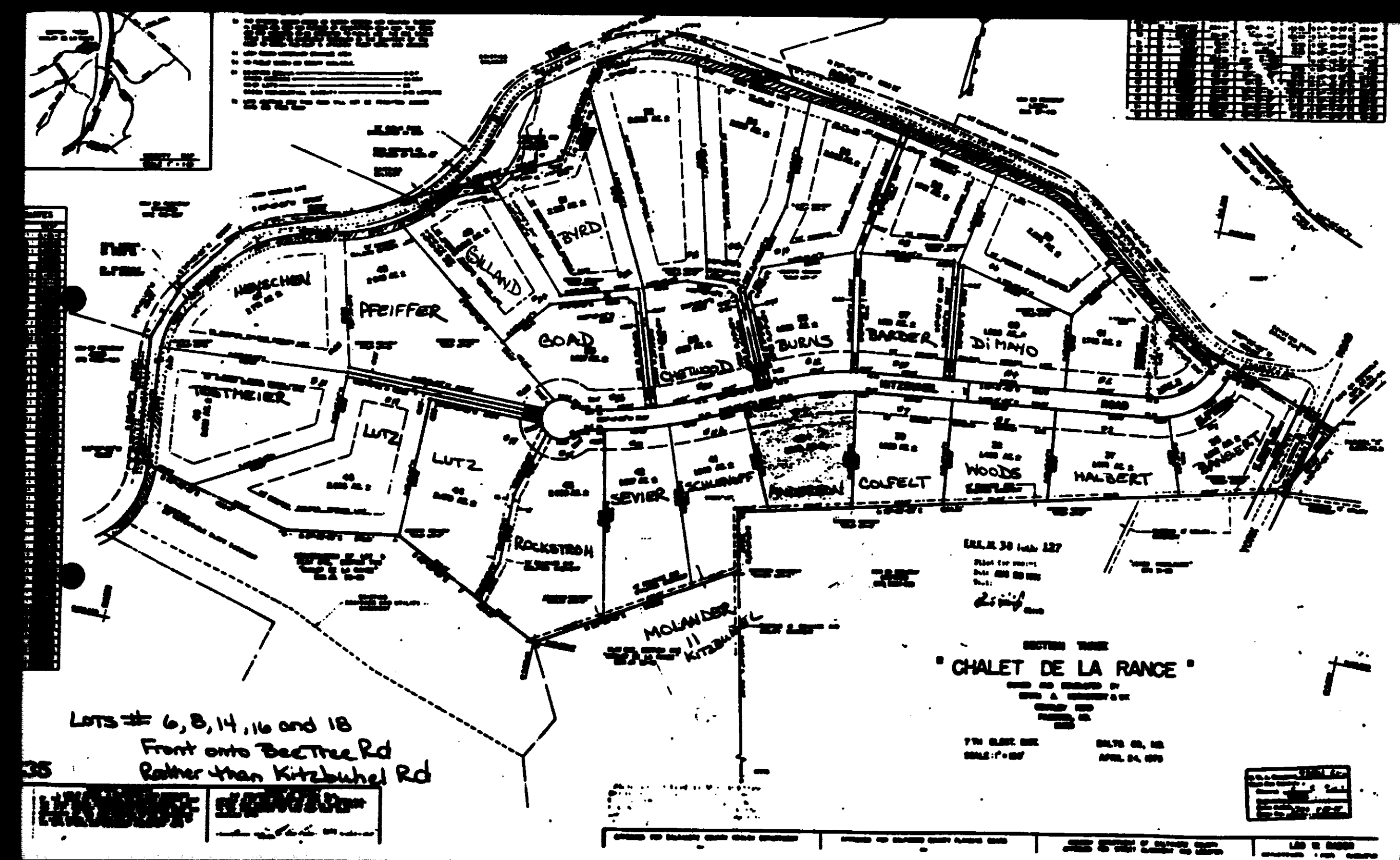
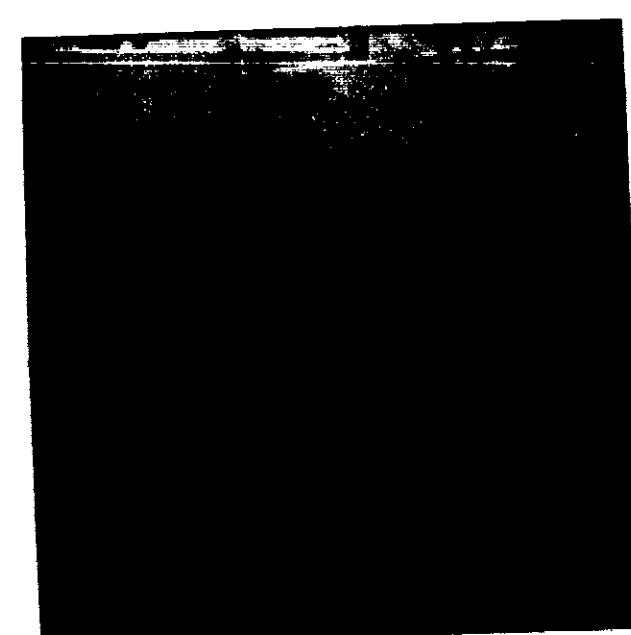
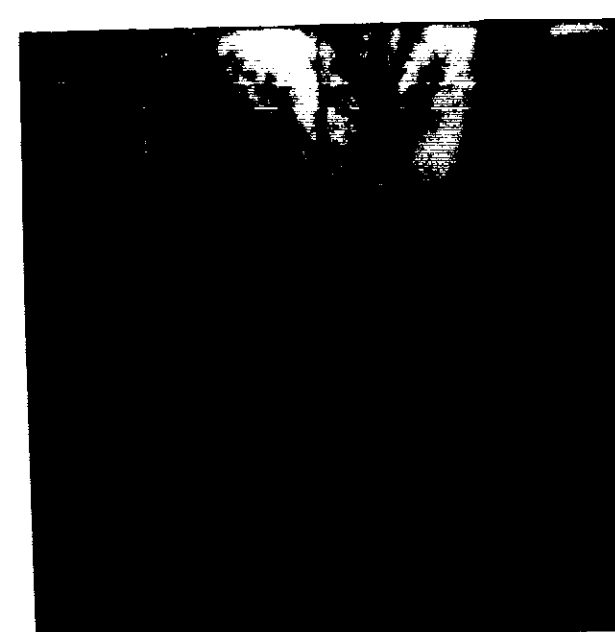
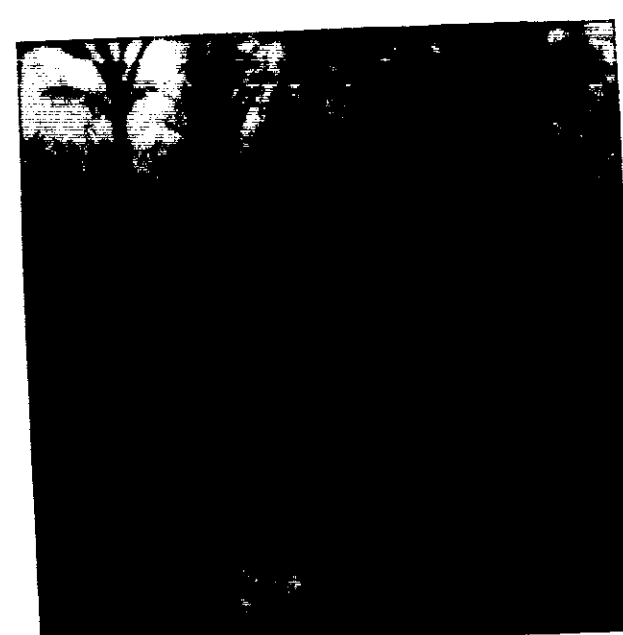
John Henschen

Dear Sirs,

I object to the variance being sought on this property (Case 92-348-A). This garage addition does not need to be situated so as to deter from the aesthetic beauty supported by our existing covenant deeds.

Sincerely,  
John Henschen  
23 Kitzbuhel Rd.

92-348-A



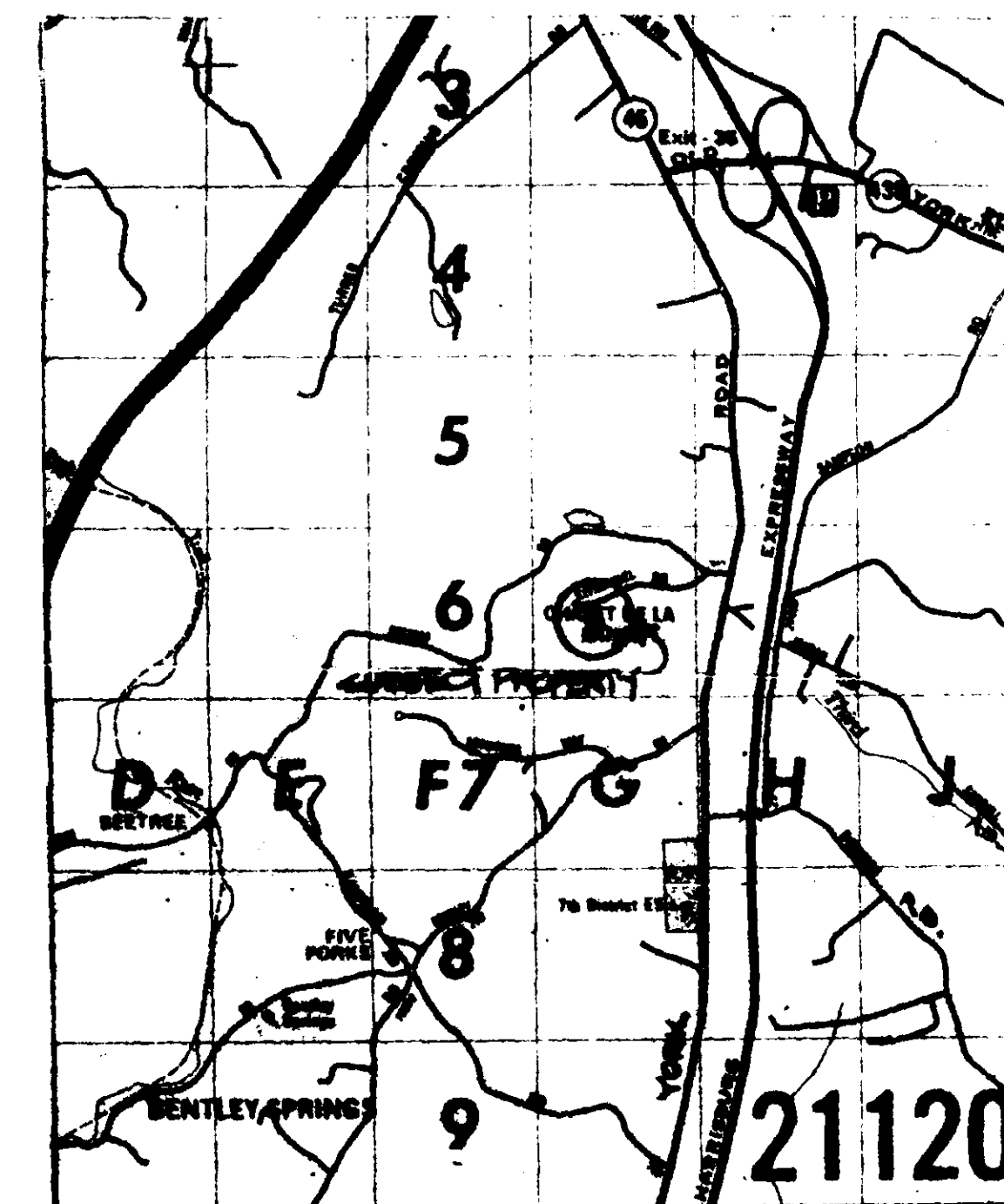
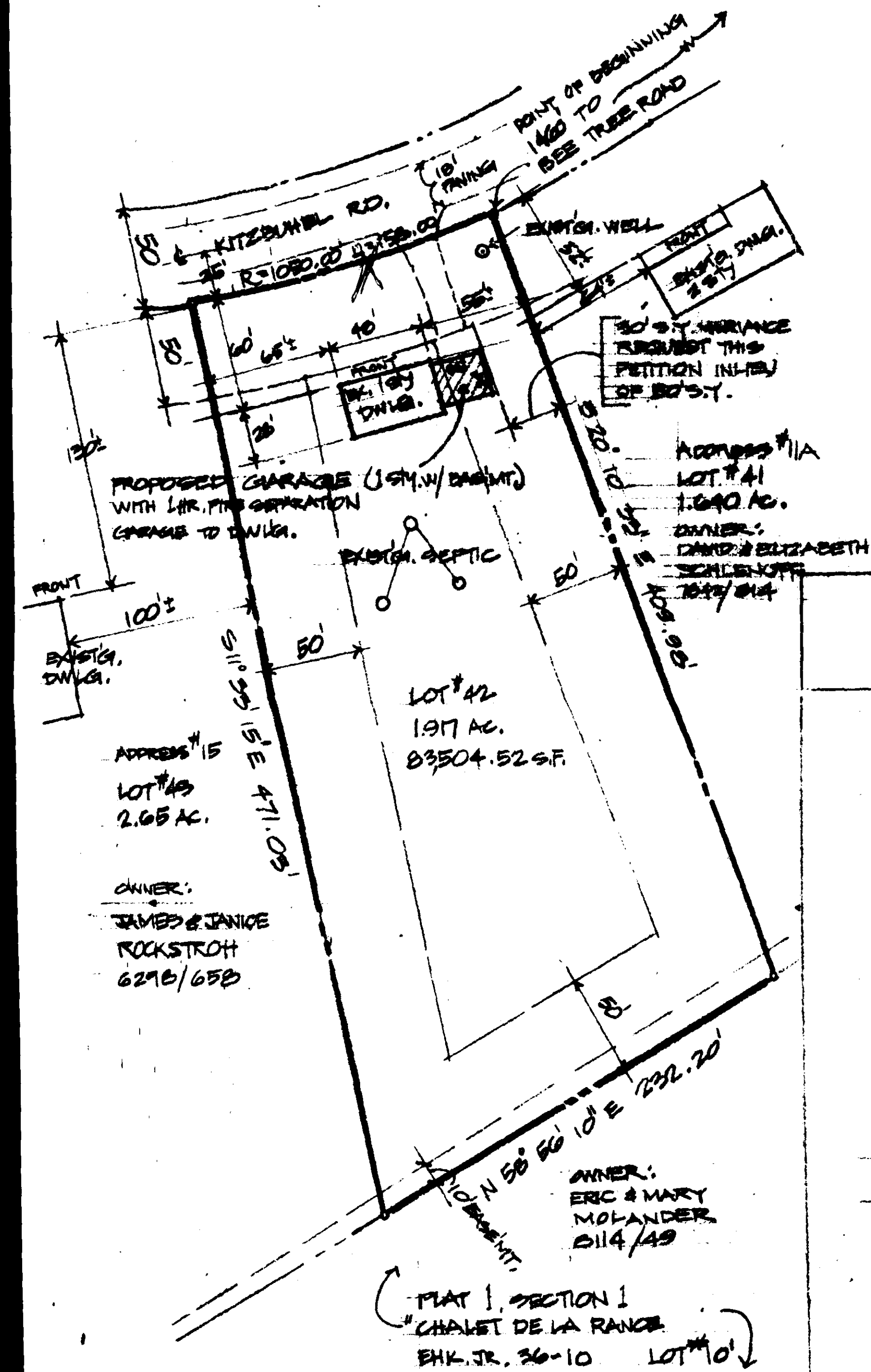
# PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

PROPERTY ADDRESS: 13 KITZBUHEL RD. PARKTON, MD. 21120

SUBDIVISION NAME: "CHALET DE LA RANCE

PLAT BOOK EHK JR. 36 FOLIO 127 SECTION 3

OWNER: J.C. SEVIER and WENDY SEVIER



VICINITY MAP  
SCALE 1/2" = 1000'

## LOCATION INFORMATION

COUNCILMANIC DISTRICT: 3rd

ELECTION DISTRICT: 7th

1" = 200' SCALE MAP: N.W. 36-B

ZONING: RC, 5

LOT SIZE: 1.917 AC. 83504.52 SF.

SEWER: PRIVATE

WATER: PRIVATE

CHESAPEAKE BAY CRITICAL AREA: NO

PRIOR ZONING HEARINGS: NONE

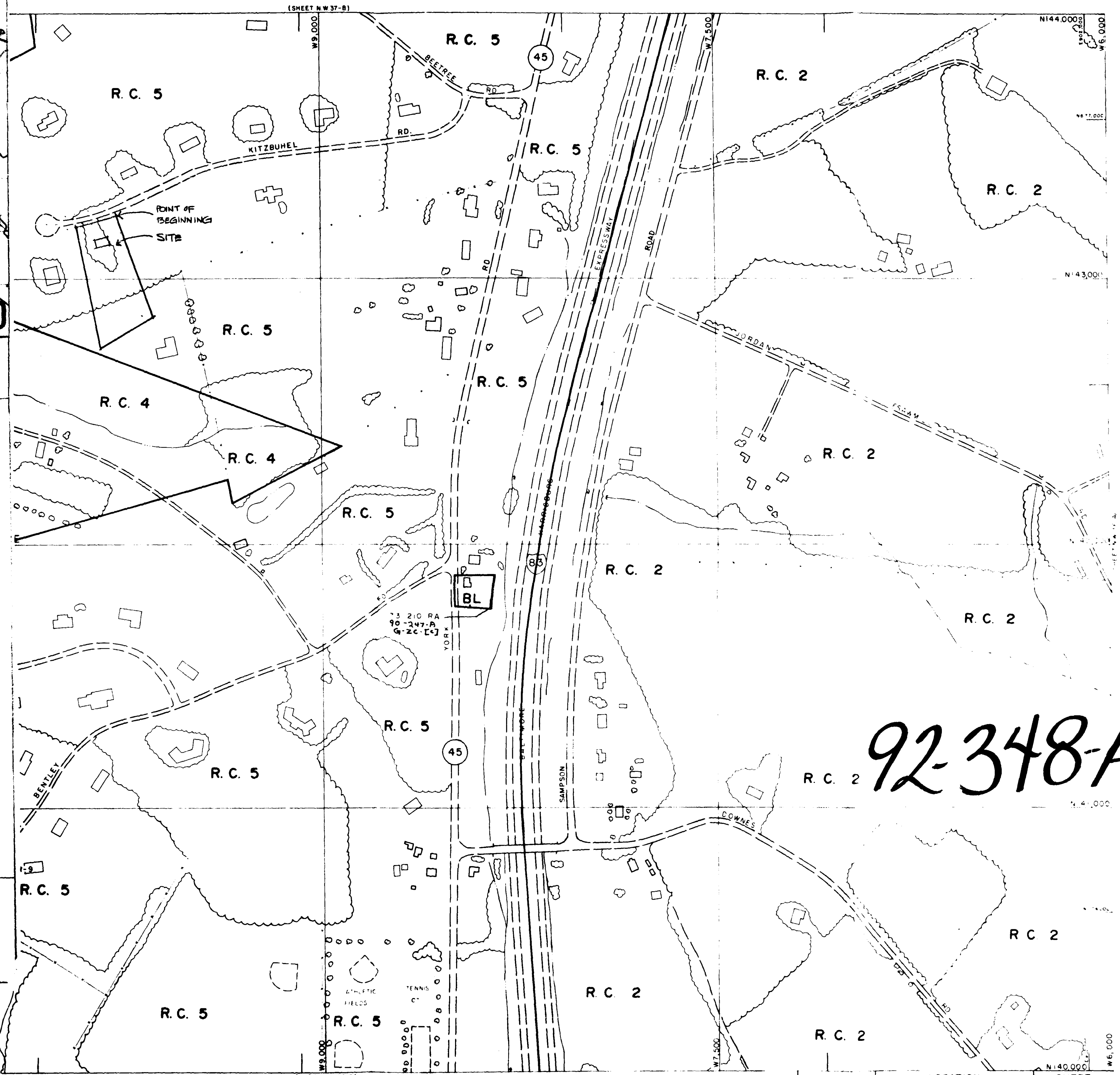
92-348-A

## ZONING OFFICE USE ONLY

REVIEWED BY: **MTK** ITEM # **363** CASE #



DATE: MARCH 10, 1992 SCALE OF DRAWING: 1" = 50'  
PREPARED BY: ROBERT J. DAVIER, ARCHITECT



92-348-A

RR - SE  
KK - NE  
1988 COMPREHENSIVE ZONING MAP  
Adopted by the Baltimore County Council  
Oct. 13, 1988  
THIS MAP HAS BEEN REVISED IN SELECTED AREAS.  
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS  
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
OFFICIAL ZONING MAP

SCALE	LOCATION	SHEET
1" = 200'	NORTH OF FIVE FORKS	NW
DATE OF PHOTOGRAPHY JANUARY 1986		36-B

#363